

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS TURNER,

Defendant.

CASE NO. CR05-355C

ORDER

This matter having come before the Court on the Stipulated Motion to Continue Trial Date (Dkt. No. 27), and the Court having considered the papers filed by the parties, together with the balance of the records and files herein, this Court now finds as follows:

The current pretrial motions due date is December 1, 2005 and the current trial date is February 6, 2006. New counsel was appointed after David Marshall withdrew as Defendant's counsel in November, 2005. New counsel Suzanne Lee Elliot is active in plea negotiations with the Government, and additional time is needed to further explore settlement options in this case and possibly eliminate the need for a trial. A denial of the requested extensions would unreasonably deny Defendant reasonable time to consult with counsel. Further, Defendant has filed a speedy trial waiver through June 1, 2006 indicating his agreement with a continuance. (Dkt. No. 29.) The proposed continuance of the trial does not appear to prejudice

1 any party. The Court finds that failure to grant the requested continuance likely would result in a
2 miscarriage of justice. The Court further finds that the interests of the public and the Defendant in a
3 speedy trial in this case are outweighed by the ends of justice, within the meaning of 18 U.S.C. §
4 3161(h)(8)(A).

5 Accordingly, IT IS HEREBY ORDERED that the pre-trial motions cut-off date shall be extended
6 to February 27, 2006, with a new trial date of May 1, 2006. The time between the date of this Order and
7 the new trial date shall be excludable time under the Speedy Trial Act pursuant to 18 U.S.C. §
8 3161(h)(8)(A).

9 SO ORDERED this 24th day of January, 2006.

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12 John C. Coughenour

13 United States District Judge
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